

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY



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File No.: 03-017487-B04
Douglas McDonough, Esq.
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Attorney for The Bank of New York Mellon, f/k/a The Bank of
New York, as trustee, on behalf of the holders of the Alternative
Loan Trust 2005-62, Mortgage Pass-Through Certificates Series
2005-62, Secured Creditor

Order Filed on September 16, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: **18-30162-VFP**

Chapter 13

Judge Vincent F. Papalia

In Re:

Frank Avella

Debtor(s).

ORDER RESOLVING OBJECTION TO CERTIFICATION OF DEFAULT

Recommended Local Form Modified

The relief set forth on the following pages, numbered two (2) through four (4) is

ORDERED.

DATED: September 16, 2021



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Debtor: Francis D. Avella aka Frank Avella

Case No.: 18-30162-VFP

Caption of Order: Order Resolving Objection To Certification Of Default

Upon the Objection of Francis D. Avella aka Frank Avella (the “Debtor”) to the Certification of Default of The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 (the “Movant”) under Bankruptcy Code section 362(d) for relief from the automatic stay (the “Certification”) as to certain real property commonly known as 1312 43rd Street, North Bergen, NJ 07047 (the “Collateral”), , and the Court having considered the submissions of the parties, and argument, if any, and for cause shown, it is ORDERED

1. That the Objection to the Certification of Default is sustained, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter
2. That the stay shall continue against the Collateral, subject to the following conditions:
3. The status of Post-Petition Arrearages is as follows, pursuant to the terms of the Note, as set forth in the chart below:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amount Delinquent
6	March 2021	August 2021	\$3,372.83	\$20,236.98
Less post-petition partial payments (suspense):				(\$1,499.16)

TOTAL POST PETITION ARREARAGES:

\$18,737.82

4. Debtor(s) shall cure all Post-Petition Arrearages outlined in Paragraph 3, above, as follows:

Debtor: Francis D. Avella aka Frank Avella

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- a. Debtor is to pay the post-petition arrearage through the Chapter 13 Plan, by increasing payments to the Chapter 13 trustee to the amount of \$1,840 per month for fifty-one (51) months starting August 2021.
 - b. Debtor shall not otherwise be required to file a modified chapter 13 plan.
5. Beginning in September 2021, Debtor(s) shall resume making regular monthly mortgage payments.
 - a. Regular payments in the amount of \$3,395.41, and any additional amount as required or allowed by the Note and Security Instrument are to be paid on or before they become due.
 - b. Payments should be sent to:

Select Portfolio Servicing, Inc.
Attn: Remittance Processing
P.O. Box 65450
Salt Lake City, UT 84165-0450
6. If any payments outlined in this Order, or any regular monthly payments which come due according to Movant's Loan Documents, for the life of the bankruptcy are not made within thirty (30) days of the date the payment is due, then the Movant may obtain an Order Vacating the Automatic Stay as to the Collateral by filing with the Bankruptcy Court a Certification of Default specifying the failure to comply with this Order.
7. That in the event relief from the automatic stay is later granted, the Trustee shall cease funding any balance of Movant's claim and the provisions of Fed.R.Bank.P. 4001(a)(3) may be waived.
8. In the event this case is converted to Chapter 7, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion to bring the account contractually current.

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- a. If the loan is not brought current after conversion, Movant may file a Certification of Default with the Court.
9. This Order survives any loan modification between the Movant and the Debtor(s) agreed to and executed during the instant bankruptcy proceeding.
 - a. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, Movant may file a Certification of Default with the Court.
10. Any Certification of Default filed pursuant to the Order shall be served on the Trustee, the Debtor(s) and Counsel for the Debtor(s).

In re:
Francis D Avella
Debtor

Case No. 18-30162-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Sep 16, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 18, 2021:

Recip ID	Recipient Name and Address
db	+ Francis D Avella, 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047-2710

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 18, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 16, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing as Servicer for Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Douglas J. McDonough	on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com
Gavin Stewart	on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com
Herbert B. Raymond	

District/off: 0312-2

User: admin

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Date Rcvd: Sep 16, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Debtor Francis D Avella herbertraymond@gmail.com
raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell_c@hotmail.com;kdelyon.ra
ymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemails789@gmail.com

Marie-Ann Greenberg

magecf@magtrustee.com

Melissa N. Licker

on behalf of Creditor Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se
NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Melissa N. Licker

on behalf of Creditor Specialized Loan Servicing LLC as servicer for Deutsche Bank National Trust Company, as Trustee for
IndyMac INDX Mortgage Loan Trust 2004-AR10 NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Melissa N. Licker

on behalf of Creditor Deutsche Bank National Trust Company as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-AR10 as serviced by Specialized Loan Servicing, LLC
NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com

Sean M. O'Brien

on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York, as trustee, on behalf of the holders of the
Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11